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**LEVINE, BLASZAK, BLOCK & BOOTHBY, LLP**

2001 L STREET, NW., SUITE 900  
WASHINGTON, D.C. 20036  
PHONE (202) 857-2550  
FAX (202) 223-0833



May 17, 2002

**EX PARTE OR LATE FILED**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Suite TW-A325  
Washington, D.C. 20554

Re: *Ex Parte Presentation – In the Matter of Performance Measurements and Standards for Interstate Special Access Services, CC Dkts. Nos. 01-321, et al.*

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Dear Ms. Dortch,

On May 16, 2002, The Ad Hoc Telecommunications Users Committee ("Ad Hoc") met with Kyle Dixon, Senior Legal Advisor to Chairman Powell, to discuss the above-referenced proceeding. The representatives of Ad Hoc attending the meeting were Laurel Kamen, American Express Company, and the undersigned, counsel to Ad Hoc. Ms. Kamen and the undersigned discussed the matters raised in Ad Hoc's Comments and Reply Comments, as well as in the attached document.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1), an original and one copy of this letter and attachment are being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,

A handwritten signature in cursive script that reads "Kevin S. DiLallo".

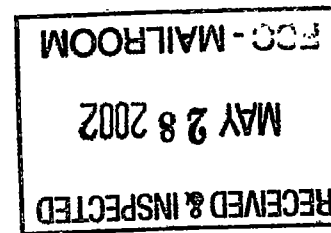
Kevin S. DiLallo  
Counsel, Ad Hoc Telecommunications Users  
Committee

Attachment

Cc: Kyle Dixon (w/o attach.)

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*Performance Measurements and  
Standards for Interstate Special  
Access Services,  
CC Dkts. Nos. 01-321, et al.*

AD HOC TELECOMMUNICATIONS  
USERS COMMITTEE

*ex parte* presentation

May 16, 2002

# Performance Standards for Interstate Special Access Services, CC Dkt. No. 01-321

## ■ An End-User Issue:

- ◆ erratic provisioning and delays are chronic problems for end-user customers
- ◆ No competitive pressure on ILECs to improve
- ◆ Special access customers have little recourse for shoddy provisioning
- ◆ “Trickle down” effect: End users ultimately suffer, even if they order through IXC

Ex Parte presentation of Ad Hoc Telecommunications Users Committee May 16, 2002

# Performance Standards for Interstate Special Access Services, CC Dkt. No. 01-321

## ■ One Ad Hoc member reports:

- ◆ over 100 circuit orders past the providers' posted completion dates
  - ◆ some as much as 60-90 days late.
- ◆ over 550 disconnect orders awaiting due date from carriers
- ◆ 84 disconnect orders past the providers' posted completion dates.

Ex Parte presentation of Ad Hoc Telecommunications Users Committee May 16, 2002

# Performance Standards for Interstate Special Access Services, CC Dkt. No. 01-321

## ■ Other Ad Hoc members report:

- ◆ ILECs often are late in giving FOC date and/or date they give is unreliable.
- ◆ ILECs often wait until last minute to say facilities are unavailable.
- ◆ ILECs often assume a disconnect will free up facilities, but it doesn't happen.

# Performance Standards for Interstate Special Access Services, CC Dkt. No. 01-321

## ■ More member reports:

- ◆ One member has had to dedicate personnel to managing provisioning problems, at high cost.
- ◆ OC-3 circuit installed 9 months after order
- ◆ DS3 circuits installed 8 months after order
- ◆ DS3 circuits installed 6 months after order
- ◆ ILEC OC-12 circuits require 6-month lead time

# Performance Standards for Interstate Special Access Services, CC Dkt. No. 01-321

## ■ The Solution:

- ◆ Until competition develops, FCC should adopt and enforce special access performance standards
- ◆ Ad Hoc supports Joint Competitive Industry Group Proposal, with modifications tailored to end-user needs

# Performance Standards for Interstate Special Access Services, CC Dkt. No. 01-321

## Ad Hoc's Proposed Modifications to Joint Industry Group Proposal:

- ◆ Metrics should explicitly apply to end-user customers & should track end-user orders
- ◆ ILECs should specify basis for "CNR" codes, *e.g.*, whether delay caused by IXC or by end user



# Performance Standards for Interstate Special Access Services, CC Dkt. No. 01-321

Metrics should apply to end-user customers  
& track end-user orders and trouble tickets

- ◆ “Reporting Dimensions” to be expanded
- ◆ *FOC Receipt; FOC Receipt Past Due*
- ◆ *Offered v. Requested Due Date*
  - ◆ “Carrier Requested Due Date” should be  
“Customer Requested Due Date”
- ◆ *Avg. Intervals –Requested/Offered/Installed*
- ◆ *Mean Time to Restore*

## Reporting Dimensions

CLEC or IXC Carrier specific total, with the following reporting dimensions for all measurements.

- Special Access disaggregated by bandwidth  
Sub Totaled by State  
Totaled by ILEC

Comparison reports are required for:

- CLEC/ IXC Carrier Aggregate
- ILEC Affiliates Aggregate

**Special Access** is any exchange access service that provides a transmission path between two or more points, either directly, or through a central office, where bridging or multiplexing functions are performed, not utilizing ILEC end office switches.

Special access services include dedicated and shared facilities configured to support analog/voice grade service, metallic and/or telegraph service, audio, video, digital data service (DDS), digital transport and high capacity service (DS1, DS3 and OCn), collocation transport, links for SS7 signaling and database queries, SONET access including OC-192 based dedicated SONET ring access, and broadband services.

**Exclusions:** Transmission path requests pursuant to an Interconnection Agreement for Unbundled Network Elements are excluded from these Performance Measures.

**Reporting Period:** The reporting period is the calendar month, unless otherwise noted, with all averages or percentages displayed to one decimal point.

# Performance Standards for Interstate Special Access Services, CC Dkt. No. 01-321

ILECs should specify basis for "CNR" codes

- ◆ Who's responsible for install delay?
  - ◆ *On-Time Performance to FOC Due Date;*  
*Days Late; Past Due Circuits*
- ◆ Pinpoint non-ILEC cause of circuit trouble
  - ◆ *New Install Trouble Report Rate;*
  - ◆ *Failure Rate*
- ◆ Avoid finger-pointing

# Performance Standards for Interstate Special Access Services,

CC Dkt. No. 01-321

## ■ Enforcement, Penalties

- ◆ Payments to special access customers
  - ◆ paid as self-executing payments or as damages at FCC or US District Court
- ◆ Forfeitures paid to U.S. Treasury
- ◆ Non-monetary penalties for significant abuses, e.g., suspension §271 author.
- ◆ Annual audits
- ◆ FCC enforcement team

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